

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RACHEL SANTOS,

Plaintiff,

v.

THE HARVER COMPANY, et al.,

Defendants.

No. CV 08-1206-AC

OPINION AND ORDER

MOSMAN, J.,

On May 29, 2009, Magistrate Judge Acosta issued Findings and Recommendation ("F&R") (#33) in the above-captioned case recommending that plaintiff's Motion to Remand (#20) be GRANTED and her request for attorney fees be DENIED. Defendant International Union of Painters and Allied Trades filed objections (#34) to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R (#33) as my own opinion.

IT IS SO ORDERED.

Dated this 17th day of July, 2009.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court